

DS/22521

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

FILED

FEB 25 2020

CLERK, U.S. DISTRICT COURT

By _____

Deputy

Todd Michael Tomasella on Behalf of the Estate of
TODD MICHAEL TOMASELLA
Party Aggrieved

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

WARREN K PAXTON JR, KAUFMAN COUNTY
TEXAS, 86th DISTRICT COURT, RUTH BLAKE,
CASEY BLAIR, BRYAN W. BEAVERS (see attached)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

3 - 20 CV 0476 - S

(to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes



No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Todd Michael Tomasella		
Address	9201 Warren Parkway Suite 200		
	Frisco	TX	75035
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Collin		
Telephone Number	970-799-9346		
E-Mail Address	GoodNews014@Yahoo.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	DIVISION OF CHILD SUPPORT		
Job or Title <i>(if known)</i>			
Address	300 W. 15th Street		
	Austin	TX	78701
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Travis		
Telephone Number	1-800-252-8014		
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name	KAUFMAN COUNTY CHILD SUPPORT		
Job or Title <i>(if known)</i>			
Address	100 W Mulberry St.		
	Kaufman	TX	75142
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Kaufman		
Telephone Number			
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 3

Name 86th DISTRICT COURT
Job or Title (if known) CASEY BLAIR-Judge and RHONDA HUGHEY-Court Clerk
Address 100 W Mulberry St.
Kaufman TX 75142
City State Zip Code
County Kaufman
Telephone Number 972-932-4331
E-Mail Address (if known)

☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name WARREN KENNETH PAXTON JR.
Job or Title (if known) Texas Attorney General
Address 300 W. 15th Street
Austin TX 78701
City State Zip Code
County Travis
Telephone Number
E-Mail Address (if known)

☐ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?
F.R.C.P. 17 (a)(3)(b), 42 U.S.C. § 2000e (a), RULE 406. HABIT; ROUTINE PRACTICE, 1. Article I. Section 9 Paragraph 3, 1st, 4th, 6th, 8th, 13th and 14th Amendments, FRAUDULENT INDUCEMENT (Sec. 403 Grants (a)(5)(C)(iii)(III), Sec. 466(a) 42 U.S.C. § 666 (a)(15)(A)(I)), PEONAGE, FALSE ARREST, FALSE IMPRISONMENT, FRAUD, COMPELLED USE OF AN SSN, INJURIES WERE VOLUNTARILY INFLICTED BY DEFENDANTS, Fraudulent Administration of the ESTATE

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Defendants entered an Ex Parte' Order in District Court cause, where Plaintiff is labeled as "Non-Custodial Parent" in which each Defendant/Private Contractors, conspired to commit fraud against the Estate of Plaintiff, with respect to: No Contract with IV-D Court, Court has no personal Jurisdiction over plaintiff, Failing to Pay Child Support is not a Criminal Offense absent "Corpus Delecti", Improper Service or No Service, Violation of Due Process & Right To a Speedy Trial, Illegal Garnishment is Theft.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

From the Beginning of the Creation of the Social Security IV-A Act until the Present

- B. What date and approximate time did the events giving rise to your claim(s) occur?

From the issuance of a birth certificate and social security number to Plaintiff and any child born to Plaintiff with a birth certificate and social security card, et al plus, the other Parent applied for Social Services which has no performance value on Plaintiff, the living man, but merely the estate of TODD MICHAEL TOMASELLA, a fictitious name to which the court uses to do Ex Parte' rulings in favor of the defendant, for the benefit of the IV-D court, on behalf of their client who applied for the services

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See Attached Affidavit

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

See Exhibits and Attachments, ie, Plaintiff (Defendant-in-error) Todd-Michael:Tomasella, was kidnapped for over 16 1/2 Months for the enforcement of a fraudulent contract against the actual defendant TODD MICHAEL TOMASELLA

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

\$250,000,000.00 in Gold and Silver or any Legal Currency of the United States for Fraud under The Rico Act,
Punitive Damages Award,
Emotional Distress
False Imprisonment
False Arrest
Illegal Contract
Enforcement of Fraudulent Contracts
Discrimination against the indigent
Each Court Appearance on behalf of the Estate

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2-20-2020

Signature of Plaintiff

Printed Name of Plaintiff

Todd Tomaseila
TODD TOMASEILA

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

CIVIL COVER SHEET

Case 3:20-cv-00476-S-RH Document 3 Filed 03/25/20 Page 7 of 76 PageID 11

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Collin Co TX

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

TRAVIS Co TX

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

RECEIVED
FEB 25 2020

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC 1983

Brief description of cause:

DEPRIVATION OF RIGHTS, PRIVILEGES

VII. REQUESTED IN COMPLAINT:

- ☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Xerox D95 Copier-Printer Banner Sheet Associate

Date & Time : 02/20/2020 4:02 PM

User Name :

Associate

Job Name : Federal Lawsuit 2020.pdf

Start Page

Todd Tomasella on behalf of the Estate of TODD TOMASELLA

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

DEFENDANTS (cont.)

DIVISION OF CHILD SUPPORT, in its Individual and Official Capacity. 300
W. 15th Street, AUSTIN TX, 78701;

KAUFMAN COUNTY CHILD SUPPORT in its official an individual capacity. 100
W Mulberry St. Kaufman, TX 75142

RHONDA HUGHEY in her Individual and Official Capacity. 100 W Mulberry St.
Kaufman, TX 75142

Exhibits

TODD MICHAEL TOMASELLA 2020

**42 U.S.C. § 1983 COMPLAINT FOR VIOLATION OF CIVIL RIGHTS:
(Non-Prisoner Complaint)**

Table of Exhibits

Exhibits and Attachments

Definitions _____	1
INDEPENDENT CAPACITY FOR THE CONTRACTOR: _____	2
BASIS OF JURISDICTION _____	3-6
FEDERAL CONSTITUTIONAL RIGHTS VIOLATED _____	7
OTHER CLAIMS _____	8
STATEMENT OF CLAIM _____	Error! Bookmark not defined.
FACTS IN SUPPORT OF CLAIM _____	12
RELIEF _____	14

Todd Michael Tomasella
Party Aggrieved

*45 C.F.R. § 75.2
contractor refers
to a governmental
entity or a public
officer with whom
the CSD enters
into a IV-D
contract.*

Definitions

(1). Sec. 231.0011.(a)

The Title IV-D agency shall have final approval authority on any contract or proposal for delivery of Title IV-D services under this section and in coordination with the federal Office of Child Support Enforcement, the Texas Judicial Council, the Office of Court Administration of the Texas Judicial System, and state, county, and local officials;

(a). 45 C.F.R § 302.34 IV-D

contract means a mutually binding, legal relationship obligating each Defendant to provide IV-D services in IV-D cases and perform other “administrative” duties of the CSD that pertain to IV-D cases in return for payment by the CSD.

(b). 45 C.F.R. § 75.2

contractor refers to a governmental entity or a public officer with whom the CSD enters into a IV-D contract.

(c). Governmental entity includes the following entities; office of attorney general; a court; a prosecutor or other law enforcement official; a sheriff; a clerk of court; or any other public or governmental agency or official.

(d). IV-D contractors perform functions of 31 U.S.C. § 6305 or 45 C.F.R § 302.34 contracts under 45 C.F.R § 303.107 (c) terms and conditions that are inclusive of those contractors procured through purchase-of-service contracts, as well as other contractual agreements with the federal OCSE and CSD.

Todd Michael Tomasella
Party Aggrieved

D. INDEPENDENT CAPACITY FOR THE CONTRACTOR:

- A. The contractor and its agents, employees, and subcontractors did act in performance of the 31 U.S.C. § 6305 and 45 C.F.R. § 302.34 IV-D contracts under 45 C.F.R. § 303.107 terms in an independent capacity and not as officers, employees or agents of the State of Texas or the CSD.

E. F.R.C.P. 17 (a)(3)(b)

(1). Quoting Sec. 8 Child Support Enforcement Program p.65 the IV-D program is a [partnership] between the federal government and the states. Pursuant to F.R.C.P. 17 (a)(3)(b), the capacity to sue or be sued is determined as follows: (A) a “partnership” or other unincorporated association with no such capacity under that state’s law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws;

(2). 42 U.S.C. § 2000e (a) The term “person” includes one or more individuals, governments, governmental agencies, political subdivisions, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11, or receivers.

F. RULE 406. HABIT; ROUTINE PRACTICE:

Evidence of the Defendants habits and routine practices may be admitted to prove that on a particular occasion the wrongdoers acted in accordance with the habit or routine practice. The court may admit this evidence regardless of whether it is corroborated or whether there was an eyewitness.

Todd Michael Tomasella
Party Aggrieved

II. BASIS FOR JURISDICTION

: A. Under 42 U.S.C. § 1983 Tomasella may sue the wrongdoers for the deprivation of any Rights, Privileges, and Immunities secured by the Constitution and [federal laws]. Any used to refer to one or some of a thing or number of things, no matter how much or many.
B. This is a 42 U.S.C. § 1983 action for deprivation of Rights under color of law against 45 C.F.R § 75.2 contractors masquerading as State and local officials.

JURISDICTION:

A. Jurisdiction is proper pursuant to 28 U.S.C. §§ 1331 and 1343 based on 42 U.S.C. §1983 and questions of federal constitutional law. Jurisdiction also exists under the Declaratory Judgment Act, 28 U.S.C. §§ 2201(a) and 2202.

1. LIABILITY:

A. Sec. 1983 allows wrongdoers to be found liable because they acted under color of statute, ordinance, regulation, custom or usage of any state or territory or the District of Columbia. The following facts prove that each contractor acted under color of law.

B. Each contractor performed 45 C.F.R. § 302.34 contractual duties under 45 C.F.R. § 303.107 (c) terms and conditions in return for payment by the CSD and did certify that the current IV-D case which now deprives Tomasella of his Rights was established in compliance with provisions of title IV-D of the Social Security Act, Pub. L. No. 93-647, 88 Stat. 2351 42 U.S.C. § 651.

C. IV-D provisions are not law! Quoting the Federal Acquisition Regulations Sec. Federal Acquisition Regulation (FAR) 2.101.

Todd Michael Tomasella
Party Aggrieved

Covered Federal action means any of the following actions: Awarding any Federal contract; (4) Entering into any cooperative agreement; (5) Extending, continuing, renewing, amending, or modifying any Federal contract, grant, loan, or cooperative agreement.

D. The word “provision” is legally defined as “foresight” of the “chance” of and “event” happening, sufficient to indicate that any present “undertaking” upon which it’s “assumed” realization “might” exert a natural and proper “influence” was “entered” upon in full “contemplation” of it being a future “possibility”. Appeal of Blake, 95 Conn. 194, 110 A. 833, 834. Black’s Law 4th Rev. Ed. Pg. 1389.

E. Title 42, the Public Health and Welfare Code is comprised IV-D of the Social Security Act which is editorially compiled and organized into the title, but title 42 itself has never been enacted into positive law. The distinction is constitutionally significant because a non-positive law title is prima facie (presumed) evidence of law in contrast to 1 U.S.C. § 204 which proves that positive law titles constitute legal evidence of the law in all Federal and State courts.

F. Wherefore, the above facts prove the wrongdoers acted under color of law, the appearance or semblance, without the substance, of legal right. State v. Brechler, 185 Wis. 599, 202 N.W. 144, 148; and are now liable to Tomasella under 42 U.S.C. § 1983

CSD IS NOT A STATE AGENCY:

Pursuant to 19 Corpus Juris Secundum Corporations, §883; “a federal corporation operating within a State is considered a domestic corporation rather than a foreign corporation. The United States government is a foreign corporation with respect to a state.”

Quoting <https://www.acf.hhs.gov/css/about>; Families receive services from the local child support office [IN] their state or tribe”; Under the leadership of Commissioner Scott Lekan who states we help IV-D agencies [IN] states and tribes develop, manage, and operate under IV-D according to federal law using effective child support enforcement tools.

Todd Michael Tomasella
Party Aggrieved

Noticeably, the text is free and clear of any ambiguity and does not mention a State IV-D agency. In accordance with *expresio unius est exclusion alterius*, the 42 U.S.C. § 654 (3) single and separate unit is not a State agency, it is merely an extension of the 42 U.S.C. § 652 (a) separate unit operating [IN] this State.

B. CSD ARE CO-OWNERS OF A BUSINESS FOR-PROFIT:

Quoting Section 8 Federal Child Support Enforcement p.65 Audits and Financial Penalties, the IV-D program is a “partnership” between the federal government and the States. A partnership is an association of two or more “persons” to carry on as co-owners a “business for profit”. Black’s Law Rev. 4th Ed. p.1277. Business is activity or enterprise for gain, advantage which benefits corporations, organizers or its members. Black’s Law Rev. 4th Ed. p.249. Profit is gain realized from business or investment over and above expenditures. Black’s Law Rev. 4th Ed. p.1367.

The wrongdoers entered into a 31 U.S.C. § 6305 contract with OCSE which now allows them to offer and sell IV-D services in return for a share of billions in profits. Quoting Section 8 Federal Child Support Enforcement p.11 States [must] have plans, approved by the director of OCSE, which set forth the details of their IV-D program; p.65 Failure of a State to have an approved IV-D plan will result in loss of both IV-D and IV-A profits.

See; www.govinfo.gov/content/pkg/GPO-CPRT-108WPRT108-6/pdf/GPO-CPRT-108WPRT108-6-2-8.pdf; “States still make a “profit” on their child support program. States are free to spend the State “share” of collections in any manner the State sees fit;”

The 42 U.S.C. § 652(a) federal OCSE is the (separate) unit that oversees the national IV-D program. The 42 U.S.C. § 654(3) DCSE is the single, (alone) and separate (apart/by itself) unit that offers and sells IV-D services in return for payment from the OCSE in this State.

Todd Michael Tomasella
Party Aggrieved

At face value the terms profit and share prove that the wrongdoers are seeking to make as much money as possible. The facts prove that IV-D profits are gained from customers factually stated on OCSE'S and CSD's websites. *A customer* is one who regularly or repeatedly makes purchases or has business dealings with a tradesman or business house. Black's Law Rev. 4th Ed. p.462.

The existence of the U.S. HHS "customer" service plan, the web-based child support customer service for parents promising practices guide and the wrongdoers website which all boasts customer service proves that the IV-D program is in fact a private for-profit business that offers and sells IV-D services to customers. The OCSE required the CSD to reassess its website and consider ways in which the internet can improve IV-D "customer" service.

Simply stated Tomasella has the Right to not associate with the tradesman, or business house commonly referred to as the CSD or its contractors, agents, and employees who perform through a fixed contract assignment under federal terms, in contrast to their constitutional creation, duties, and limitations. The above facts prove that Tomasella is now compelled to be a customer of the CSD against his will from which wrongdoers gain substantial profits from subjecting him to deprivation of his Rights, Privileges, and Immunities under color of law, and authority, causing him a great deal of emotional stress, significant financial losses, as well as damages to his reputation. In general, Tomasella's freedom of association includes the right to be free from compelled association and is unconstitutionally burdened where the defendants require him to support an espouse ideals or beliefs with which he disagrees.

Each named wrongdoer was involved and was fully aware of what happened, especially because they were individually contractually involved.

Todd Michael Tomasella
Party Aggrieved

III. FEDERAL CONSTITUTIONAL RIGHTS VIOLATIONS:

- 1. Article I. Section 9 Paragraph 3 infliction of a Bill of Attainder;
- 2. First Amendment forced or compelled association;
- 3. Fourth Amendment, the Right to be secure and the Right to privacy;
- 4. Fifth Amendment, double jeopardy, self-incrimination and due process;
- 5. Sixth Amendment denial of a trial by jury and the right to counsel;
- 6. Eighth Amendment Cruel and unusual punishment;
- 7. Thirteenth Amendment, slavery, involuntary servitude;
- 8. Fourteenth Amendment, due process and denial of equal protection of law;

This is a 42 U.S.C. §
1983 action for
deprivation of Rights
under color of law
against 45 C.F.R. §
75.2 contractors
masquerading as
State and local
officials.

Todd Michael Tomasella
Party Aggrieved

• **1. OTHER CLAIMS:**

FRAUDULENT INDUCEMENT :

Wrongdoers fraudulently induced Tomasella under Sec. 403 Grants (a)(5)(C)(iii)(III), to enter into the terms of a personal responsibility contract. He was also induced to make a commitment to cooperate in the payment of IV-D; a commitment to participate in employment or related activities so he could make regular payments to the wrongdoers; a commitment to participate in services designed to compel him to obtain and retain employment and increase his earnings in order to increase wrongdoers profits; he was also induced under Sec. 466(a) 42 U.S.C. § 666 (a)(15)(A)(I) to have procedures to ensure that "if he" owed past-due support he will work or have a plan for payment. Wrongdoers obtained the contract by means of fraud and material misrepresentation, because Tomasella was under no duty to enter into the contract, which is now the key element supporting his claim for fraudulent inducement.

PEONAGE:

The holding of Tomasella to service or labor under the system known as peonage is abolished and forever prohibited in any Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of any Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of Tomasella in liquidation of any debt or obligation, or otherwise, are declared null and void.

FALSE ARREST :

Wrongdoers did unlawfully physical restraint by Defendants of Tomasella's liberty, whether in prison or elsewhere. *Gariety v. Fleming*, 121 Kan. 42, 245 P. 1054, 1055; *Russell v. Levinsohn*, 5 N.J. Misc. 765, 138 A. 205; *Great Atlantic & Pacific Tea Co. v. Phillips*, 253 Ky. 126, 69 S.W.2d 5.

Todd Michael Tomasella
Party Aggrieved

- **FALSE IMPRISONMENT :**

Wrongdoers did unlawful detain Tomasella, for the lengthy time of 16.5 months whereby he was deprived of his personal liberty. Mahan v. Adam, 144 Md. 355, 124 A. 901, 904. The term is also used as the name of the action which lies for this species of injury. 3 Bl.Comm. 138; Buttrey v. Wilhite, 208 Ala 573. 94 So. 585; Christ v. McDonald, 152 Or. 494, 52 P.2d 655, 658.

- **FRAUD :**

Wrongdoers did commit fraud in fact, and the essential elements support Tomasella's fraud claim because wrongdoers; (1) misrepresented the material facts that IV-D was for the best interest of children and custodial parents, and creates a federal right and entitlement to IV-D services, and needy families with children were the intended beneficiaries of the statute; (2) wrongdoers knew the misrepresentations were false, because IV-D was only created to benefit the state treasury; (3) Tomasella justifiably relied on the misrepresentations; and (4) actual damages and losses was the result from his reliance in the misrepresentations.

- **DISSEMINATION OF FALSE ADVERTISEMENTS :**

IV-D provision for establishment and enforcement services for both welfare and non-welfare families requires CSD to publicize frequently, through public service announcements, the availability of IV-D services. Defendants deprived Tomasella of his Rights through 15 U.S.C. § 52 by knowingly and intentionally disseminating false advertisements; (a) It was unlawful for the CSD to disseminate, and cause to be disseminated, the false advertisements and did so (1) by United States mails, and various other means for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of IV-D "services; and (2) By any means, for the purpose of inducing, which was likely to induce, directly or indirectly, the purchase IV-D services, and (b) The dissemination and the causing to be disseminated the false advertisement within the provisions of subsection (a) of this section was an unfair and deceptive act.

Todd Michael Tomasella
Party Aggrieved

• **COMPELLED USE OF AN SSN**

45 C.F.R. contractors performing under the Social Security Act 42 U.S.C. § 666 (a)(13) compelled the disclosure of the SSN held by Tomasella to obtain benefits from certain U.S. agencies for the sole purpose of tracking him like an animal in order to compel him under threat, duress, and coercion to succeed to the status of a non-custodial parent hereafter defined as a customer in order to establish and modify collections to illegally steal his property and financial assets. Pursuant to 42 U.S.C. Chapter 7 Sec. 408. Penalties (a) In general (8) whoever compels the disclosure of the social security number in violation of the laws of the United States shall be guilty of a felony and upon conviction thereof shall be fined under title 18 or imprisoned for not more than five years, or both.

V. STATEMENT OF CLAIM:

A. The events that gave rise to Tomasella's claim occurred at 100 W Mulberry St. Kaufman, TX 75142.

B. The date that gives rise to Tomasella's claims occurred in to current;

C. The facts underlying Tomasella's claims are as follows;

VI. NARRATIVE:

In 1995 the Clerk of El Paso Texas Court sold Tomasella a marriage license to wed his mate. However, the clerk who is a Constitutional officer did not provide adequate notice to Tomasella, that by signing the license, and children are born under said, and the marriage fails that he would by default be in debt to the OAG, CSD, (WARREN KENNETH PAXTON JR).

Todd Michael Tomasella
Party Aggrieved

The Fifth and Fourteenth Amendments, 45 C.F.R. §303.101(c)(2); 42 U.S.C. §666 (a)(3)(A); and 42 U.S.C. §666 (a)(5)(C)(i) require Due Process Rights of Tomasella must be protected.

voluntarily acknowledging is the simple civil process for paternity under which the State must explain the rights and responsibilities of acknowledging paternity and afford due process safeguards. So, it is clearly noted that children born under a marriage license is by default voluntary paternity establishment and as such affording Due Process of the legal consequences that arise therefrom applies.

The El Paso Clerk did not afford Tomasella adequate notice (due process) orally, or through the use of video or audio equipment, and in writing, that without the birth of children the CSD would have no legal claim in his income, assets, or property; and that by signing the license that he would be waiving his privilege against self-incrimination and the marriage license would be admissible as evidence of paternity that will used to against him in order to subject him to the following legal consequences:

Wage withholding, liens on property; offset of unemployment compensation payments; seizure and sale of personal or real property; reporting arrearages to credit agencies to prevent the undeserved extension of credit; seizure of State and Federal income tax refunds; revocation of various types of licenses (driver's, business, occupational, recreational), attachment of lottery winnings and insurance settlements of debtor parents; requirement that recipients of financial assistance from the Small Business Administration, including direct loans and loan guarantees, must certify that the recipient is not more than 60 days delinquent in the payment of child support, authority to seize assets held by public or private retirement funds and financial institutions; deprivation of a debtor to a fresh start to discharge a debt completely, pay a percentage of the debt, or pay the full amount of the debt over a longer period of time because debts for child support and alimony are not dischargeable, and State or Federal imprisonment, fines or both.

Due process was never afforded to Tomasella with premeditation as the Constitution requires. As a result of blatant deprivation Tomasella was unable to fix his mind on, with a view to carefully examine the above legal consequences that arise from the marriage license and a failed marriage. It is concluded that Tomasella or no

Todd Michael Tomasella
Party Aggrieved

other man in his right mind would voluntarily agree to the above egregious and unconstitutional conditions. See Peonage. Had the Clerk informed Tomasella of the legal consequences he would have never purchased the marriage license, nor would he have allowed his mate to bare his seed.

As a result of the Due process violations Tomasella has suffered other deprivations as listed above in Sec III 1-7, see also Other Claims.

VII. FACTS IN SUPPORT OF CLAIM:

Title 28 U.S.C. § 3002 (15) (A) (B) (C) proves that the United States is a Federal Corporation, not a Government. OCSE is the federal government agency that oversees the national IV-D program. 31 U.S.C. § 102 “executive agency” means a department, agency, or instrumentality in the executive branch of the United States Government. Quoting Section 8 Federal Child Support Enforcement p.47, However, every federal agency is responsible for responding to a State IV-D program as if the federal agency were a private business. 42 U.S.C. § 3122 (5) the term “federal agency” means a department, agency, or instrumentality of the United States.

Quoting Sec. 8 Child Support Enforcement p.48, Other Provisions; “A February 27, 1995 Executive order established the executive branch of the Federal Government, including its civilian employees and the uniformed services members, as a model employer in promoting and facilitating the establishment and enforcement of child support. The Executive order states that **the Federal Government is the Nation’s largest single employer** and as such should set an example of leadership and encouragement in ensuring that all children are properly supported”.

Quoting Sec. 8 Child Support Enforcement p.47. “As under prior law, “federal employees” are subject to income withholding and other actions taken against them by IV-D agencies in the State. IV-D claims are given priority in the allocation of “federal employee” income.

Tomasella is not a federal employee pursuant to 26 C.F.R. § 31.340(c)-1: the term employee includes officers and employees, whether elected or appointed, of the United State,

Todd Michael Tomasella
Party Aggrieved

a Federal State, territory, Puerto Rico or any other political subdivision, thereof, the District of Columbia, or any other agency or instrumentality of any of the foregoing. The term also includes an officer of a corporation.

The word federal employee is clear and free from all ambiguity, and its definition cannot be disregarded under the pretext of pursuing its spirit. The rules of statutory construction conclude that what is not explicitly included is purposefully excluded. "*Expresio unius est exclusion alterius*"— a maxim of statutory interpretation meaning the expression of one thing is the exclusion of another. *Becker v. United States*, 451 U.C. 1306 (1981).

Because Tomasella is not a federal employee by definition the administrative action enforced against him is void on its face for lack of jurisdiction. "The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings." *Hagans v. Lavine*, 415 U. S. 533. Independent Auditor's Report

VIII. INJURIES WERE VOLUNTARILY INFLICTED BY DEFENDANTS:

"In this regard, the court agreed with the finding in *Oliphant*, slip op. at 16, that Title IV-D does not require participating states to provide child support services to AFDC applicants Illinois, like other states which have "voluntarily" agreed to participate in the AFDC program are required to offer child support services as a condition of receiving federal funding.

Sec. 231.001. (g) Participation in the statewide integrated system for child support, medical support, and dental support enforcement by a county is voluntary, and nothing in this section shall be construed to mandate participation.

State and family law did do "major damage" to clear and substantial federal interest and Tomasella can now demand intervention of this federal court. *Hisquierdo*, 439 U.S. at 581. There is a factual nexus between the wrongdoers who deliberately and with premeditation deprived Tomasella of his secured Rights, Privileges, and Immunities which resulted in the losses and damages he suffers from which are now remediable by the wrongdoers. *Allen v. Wright*, 468 U.S. 737, 750-51, 104 S. Ct. 3315, 3324, 82 L.Ed.2d 556, 569.

Todd Michael Tomasella
Party Aggrieved

IX. RELIEF:

WHEREFORE, because wrongdoers acted under color of law for profit, to set right the above unconstitutional deprivations, this Court must enter judgment in Tomasella's favor to terminate the current private for profit contractually enforced IV-D Case effective immediately to end the peonage and deprivations of his Rights; Enter judgment in his favor for a full refund of \$68,000.00, accompanied with the CSD's 66 percent profit, Kaufman County's 34 percent share of federal profits at eight percent interest; Enter judgment in his favor to remove any and all negative reporting to all credit bureau's affecting his private person and professional credit reputation; Enter judgment in his favor for \$1900.00 against each wrongdoer for the cost of this action; Enter judgment in his favor for a letter of apology from each wrongdoer; Enter judgment in his favor for punitive damages for the deprivations and violations of his secured Rights, Privileges and Immunities in the amount of \$15,000,000.00 against wrongdoers for actual general, special compensatory damages.

CERTIFICATION OF CLOSING:

Under Federal Rules of Civil Procedure 11, by signing below I certify to the best of my knowledge, information, and belief that this complaint (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law, or by a non-frivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

Todd Michael Tomasella
Party Aggrieved

Tomasella is proceeding in propria persona without a BAR member

I agree to provide the Clerk's Office with any changes in my address where case—related papers may be served. I comprehend that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of Autograph: 2-20-2020

Autograph of Plaintiff: Todd Michael Tomasella

Printed Name of Plaintiff:
TODD MICHAEL TOMASELLA

Todd-Michael:Tomasella

AFFIDAVIT CONCERNING THE 86TH DISTRICT COURT AND CPS, KAUFMAN COUNTY, TEXAS

My name is Todd Michael Tomasella

9201 Warren Parkway Ste. 200

Frisco, Texas 75035

SafeGuardYourSoul.com

This is true and correct.

The 86th District court of Kaufman County Texas, at the behest of Becky Tomasella and her attorney Michael Mowla, has perpetrated injustices and chased me down like a wild animal beginning in 2002.

The operatives in Kaufman county unjustly took away my son from me, his father, using in part, trumped up "abuse" which amounted to no abuse at all. Before he killed the DA and his wife and assistant DA, Eric Williams was appointed as my son's guardian ad litem. Eric Williams was a kingpin in the "good ole boys" Kaufman system, scratching backs and having his own scratched and pockets filled. Eric Williams is now on death row for the death of the Kaufman DA, his wife, and the Assistant DA. The Eric Williams murders include the cold blooded premeditated murder of Mr. and Mrs. Mike McLelland and Mr. Mark Hasse.

Eric Williams dressed up in a disguise, gunned down Asst DA Mark Hasse. Then, Eric Williams, drove to the Kaufman DA's home, the home of Mr. and Mrs. Mike McLelland in a disguised vehicle he bought for this specific occasion. Eric Williams, dressed as a policeman then knocked on their door, Mrs. McClelland answered the door and was shot several times to her death. Judge Eric Williams then proceeded quickly to the bedroom where Mr. Mike McClelland was and shot him in cold blood, 12 times to his death.

Judge Ruth Blake, 86th District court (visiting judged) ordered me to pay Eric Williams \$5,500 on top of the large amount of grossly over charged, incommensurate child support arrearage they were viciously hunting me down for. The judge, Ruth Blake, charged the child's mother zero dollars for Eric Williams. All they did was use her to attack me while she sat home and collected monies. And, all Williams was doing was filling his own pockets, knowing there was no abuse. Not one time did Eric Williams tell my son "You just need to be spending time with your father." This should in no way be a surprise since it afterward came to light that Eric Williams stole computer equipment from a Kaufman county government and was caught on camera doing such. He lied profusely to cover this up. He was purloining (stealing) by pretending to be helping my son, holding monthly sessions with him, billing at \$___ per hour, knowing there was no

evidence of abuse. Williams was milking the bill-out system he enjoyed at the hands of this corrupt Kaufman county court.

In the following actual courtroom video footage, the testimony from the new DA, Erline Wiley, is that she caught Eric Williams over billing while he was the main CPS attorney in Kaufman. This is the exact time he was my son's court appointed guardian ad.litem. Begin at 31:10 on the following court room video: Disbarred former judge exacts brutal revenge on Texas prosecutors Oct 2, 2019 <https://www.youtube.com/watch?v=-vbj - c9Zc>

Since when is destroying a child's father supporting the child = "child support"?

Texas state law clearly states that child support is VOLUNTARY. Yet by failure of full disclosure Texas committed fraud and crime as they did not inform me that child support is VOLUNTARY nor was I ever informed of the consequences of signing up for it.

At the behest of his client, Becky Tomasella, attorney Michael Mowla, throughout the years, continually sought to and called this a CRIMINAL cast instead of a CIVIL case. They were legally criminalizing being poor – or my inability to pay \$900 per month, every month.

So, they took my son away and forced me to pay child support in order to stay out of jail. When I could not possibly pay what they deemed to be enough, I was jailed. Then after the first 9 months of incarceration, the day before being released, they forced me coercively to agree to a jacked up \$1,300 per month child support. It was clearly presented to me as something I must do in order to be released from jail.

The Kaufman county authorities named in this affidavit and lawsuit, attempted to destroy my life by making me an example of what would happen to anyone who would dare expose their dark deeds. My website, KaufmanCountyCorruption.com truthfully exposed the many tyrannical atrocities that were and are transpiring in Kaufman County, Texas through the courts and actors.

This type of injustice, in particular, the kidnapping of children unduly, has been going on and continues in Kaufman County Texas. In 2019, the Pardo case garnered national attention and the anger of Texas State Senator Bob Hall who stated, among other things: "In Kaufman County, Texas, June 2019, another piece of liberty was chipped from our society. Once again, in a very sad courtroom scene, the "legal" abduction of a 4-year-old child by the Texas Child Protective Service (CPS) was upheld by what can only be described as an egregious miscarriage of justice.

Unfortunately, from the testimony given last week, there appears to be little or no supervisory oversight to ensure that overzealous caseworkers are actually working in the best interest of the child.

In this instance, the CPS caseworker who had:

never seen or talked to the child;
not seen or talked to the parents;
not seen or talked to family members;
not seen or talked to neighbors;
not conducted a background investigation;
not attempted to resolve the issue without removal;
refused to disclose the allegations to the parents or to their lawyer;
misquoted and misrepresented a hospital doctor's affidavit to obtain the court order and;
no firsthand knowledge of any wrong doing by the parents;
was allowed to initiate an "emergency" action to remove a child from his parents and to begin the process to permanently terminate parental rights."

More here on this Pardo case: The Pardo Case by Texas Senator Bob

Hall: <https://www.kaufmancountygop.com/tag/pardo-case/>

The video of Senator Bob Hall concerning this matter is on youtube under the following title: TEXAS SENATOR BOB HALL TAKES ON CHILDREN'S PROTECTIVE SERVICES. Here's the description below the video:



Jeff Morgan
1.99K subscribers

At a Town Hall meeting in Mesquite, Texas, on Saturday, August 17, 2019, Texas Senator Bob Hall was asked about the Drake Pardo case. Drake Pardo is a four-year-old child who was taken away from his parents, without ANY evidence of wrongdoing. To justify the removal, Children's Protective Services (CPS) FALSIFIED records against the Pardos.

Senator Hall went to the hearings in person and witnessed what he considered to be one of the most egregious miscarriages of justice he had ever witnessed. He has written several articles on the miscarriage of justice and the fact that CPS is an out-of-control, above-the-law agency. CPS asked a judge to bar Senator Bob Hall from intervening in the Pardo case, which has now gathered national attention.

On a personal note, when CPS acted in such a neglectful and irresponsible way that destroyed my family and my relationship with my grandchildren, Senator Bob Hall was the first legislator to call me and ask me for the details. He put me in contact with others, and others—including Congressman Van Taylor (TX)—also helped. However, the destruction caused by this out-of-control and neglectful agency was already done, and much of the damage is still lingering.

Senator Bob Hall is one of the good guys. Please support him as he seeks to bring REAL REFORM to CPS.

This enduring tyrannical ordeal perpetrated on me has induced numerous unspeakable hardships in my life, including years of homelessness, PTSD, and loss of reputation.

No matter how much I earned they wanted everything I earned so that I could not have money to pay my bills and would be in jeopardy of jail. Their wish came to pass when judge Ruth Blake sent me to jail for 9 months the first time and 7.5 months the second time. Then, the day before I was released for the first 9 month incarceration, Judge Ruth Blake, under the direction of Becky Tomasella and Michael Mowla, coercively, under heavy duress, forced me to sign a conditional release order that jumped the child support order from \$900 month to \$1,300. This order was intentionally, coercively positioned as necessary in order for me to be released. So, under this duress, I signed it. They knew I couldn't pay \$900 month and certainly not \$1,300. Their goal was to be able to jail me again, and it worked. The 86th District court facilitated and participated in this whole ordeal and I was jailed again for 7.5 months for lack of ability to pay \$1,300 per month, although I paid nearly every month.

All of a sudden, a husband and A GOOD father who worked provided etc, now becomes the enemy, false accusations fly and the Kaufman County 86th District court gladly buys those lies due to their own incentive to get back at me for exposing their child thieving practices and their own financial gain. The 86th District Court of Kaufman County Texas facilitated the obvious lying agenda of Becky Tomasella and her attorney, Michael Mowla, because they stood to gain financially from it. Judge Casey Blair has chosen to continue the tyranny, having still, presently, a warrant out for my arrest.

16 ½ Months in Jail – 3 Arrests and Trips to Jail

Summation of jail sentences:

1. Committed to the Kaufman County jail for 9 months beginning April 3, 2013. Was released after 6 months due to appeal being granted by higher court in Dallas.
2. Was sent back to jail sometime in 2015 for 7 ½ more months.
3. Judge Ruth Blake set my bond at \$45,000 CASH. In other words, to be released, I would have had to pay that whole amount.

Not 24 hours after being arrested and incarcerated in the Kaufman County jail, I was called out of my cell (April 4, 2013) and put into a room with 2 FBI agents who under the guise of querying me about the yet unsolved murders of the DA and his wife and Assistant DA, coerced me to take down my website. The FBI used coercive language and positioning, presumably by way of the Kaufman authorities to coerce me to take down my KaufmanCountyCorruption.com website which was breaking no law. So, at their behest, I called a close friend who took down the site. Did Kaufman coerce the surrendering of my Constitutionally protected First Amendment rights?

Becky Tomasella, using her attorney and the Kaufman 86th District court, relentlessly since 2002, filed malicious litigation, weaponizing our son and so-called "child support" in order to destroy his father.

From the start to present, Becky Tomasella has played the victim card. I was jailed at the hands of Becky Tomasella, attorney Michael Mowla and judge Ruth Blake for not being able to pay the full \$900 per month child support – child support that was grossly overblown from the beginning. Yet, nearly without fail, since 2001 (divorce) I paid every month. So, they threw me in jail for now having the ability to pay the whole \$900. They had no proof I had the ability to pay \$900 per month.

The day before being released from jail after 9, Becky Tomasella and Michael Mowla concocted and had judge Ruth Blake signed yet another, more stringent, impossible, malicious, fraudulent order ordering me to pay \$1,300 per month from that moment, that signature forward. This was coercively forced upon me as it was presented as something I must sign in order to be released from jail. My court appointed attorney, Daniel Oliphant (Rockwall, Texas) told me "this is the most severe order I've ever seen." He was just reluctantly doing his job by getting me to sign that order.

It was a so-called "conditional release" temporary agreement pending my absolutely paying them \$400 per month more than I couldn't possibly pay with the \$900 month (\$1,300 totally per month). This way they had it in writing and with my signed agreement which they obtained by coercion and the full signature approval of judge Ruth Blake. This set things up for my 3rd trip to the Kaufman County jail.

When they coercively forced me to sign the \$1,300 per month, upping the previous impossible \$900 order that got me thrown in jail, it was specifically so that they could get me thrown in jail. This was a premeditated trap. Becky Tomasella and her attorney Michael Mowla knew they could get judge Ruth Blake to sign anything they put in front of her.

In September of 2018 a child support hearing was scheduled and so I sent my attorney (Gene Flores) with a power of attorney letter I drafted and had notarized. At the malicious, ongoing behest of Rebecca Tomasella and her attorney, Michael Mowla, 86th District Court judge Casey Blair had intended to incarcerate me yet once again while I was paying child support leading up to that court date. At that point I had chosen to fight this/take this to the higher courts. Enough is enough. I was finished with the tyranny. These people have been pursuing me like I'm a wild animal for long enough.

My son was kidnapped by Becky Tomasella, Michael Mowla, Kaufman CPS, and the Kaufman 86th district court judges are fully guilty. As his father I got little or no visitation with my own son and yet have pursued like a wild animal from 2002 to this day by the names aforementioned. On top of the unspeakable pain of losing my son, and paying child support nearly ever month, I was thrown in jail 3 times for a total of well over a year of my life for not

being able to pay an amount of child support that was far more than 20% of my income. Each person involved knew fully that I was unable to pay \$900 per month.

Becky Tomasella, Michael Mowla, and Kaufman county's 86th district court have brazenly ignored all the filings my attorney has filed over the last 2 years and judge Casey Blair dismissed our case against himself. Judge Blair ignored, did not respond to several documents I officially filed with his office. This is more evidence of a pattern of injustice, crass disregard, tyranny, and the trampling of my Constitutional rights. Fraud? RICO? The Kaufman county 86th district court continues to be a place of great harm and injustice to American citizens. See Exhibit 1.

Also, when submitting filings on this case to the 86th District Court of Kaufman County, Becky rejected at least 2 of them. She turned them away when they were mailed to her via certified mail. Consequently, they were returned. See Exhibit 1. This demonstrates the disregard and just how comfortable she is with the tyranny and full backing of the 86th District court. Becky Tomasella has no fear of any consequences from the Kaufman 86th district court because she knows there are no consequences for her not complying.

Every one of the court hearings were nothing more than a vicious attack on me, all because I was the father, the male parent, and wasn't able to earn enough money to pay these malicious greed-mongers. The fact that I wasn't able to pay the full amount of child support (grossly overcharged, much more than 20% of my income) was used against me as a weapon. During one court session I was ridiculed and attacked for having gone to see my family in another State for Thanksgiving. I didn't even pay for that trip. Family members paid for it but it was assumed that I did and as usual I had no say-so, was unable to respond.

So, upon being thrown in jail the first time, for not being able to pay \$900 per month in child support, the Kaufman authorities had the FBI coerce me to remove my website which was exposing them, detailing what they had and were doing to myself, my son and many others. On the very first full day in jail, I was pulled out of my cell to be interrogated by the FBI and part of what they did was to strong-arm me to remove the KaufmanCountyCorruption.com site. The FBI obviously had no reason or motive to have that site removed. There was nothing illegal on that website. After years of abuse at the hands of this unjust system, I put up that website to warn others, detailing the abuse I'd been suffering at the hands of the 'good ole boys' Kaufman system. KaufmanCountyCorruption.com was shining the light. It was gaining lots of attention, evidenced by the traffic to the site. And, when the Kaufman County murders took place, bringing national attention, the site was receiving thousands of hits daily, and tens of thousands on some days. This infuriated the Kaufman 'good ole boys' because the site was bringing light to the darkness of the whole Kaufman system of corruption.

My tax returns for these years I've been bill child support don't even come close to being commensurate with the amount of money mercilessly charged me in child support. 20% is the law and yet Kaufman refused to deal according to the law after being asked to do so repeatedly

for many years and to this day. This financial grief, hardship, and thievery doesn't even include the irreparable damage perpetrated by Kaufman county's kidnapping of my only child.

I do not have a college degree. They said it was up to me to prove that I couldn't pay \$900 per month. But doesn't the law say that it's THEIR responsibility to prove that I can pay that much child support per month? Is it a crime to be poor? This is a clear case of malicious gross malice. As is proven on record with the Attorney General's office of Texas, I paid child support even when I couldn't pay my rent. Am I a criminal because I don't earn enough money to pay \$900 per month in child support and other fees?

The 86th District court of Kaufman County Texas was at all times in full possession of the Texas State Attorney General records of my child support payments which were paid monthly (98% of the months beginning in Spring of 2001). They had the full knowledge and detailed, recorded proof from the Attorney General of Texas that I was always paying child support. Had the named judges of the 86th District court of Texas been truly concerned with "justice for all", and the Constitutional protected rights of myself and everyone involved, they would have concerned themselves with the truth – which was in writing and in their possession the whole time.

There was no concern at all for my son. These judges, the child's mother, and her attorney, Michael Mowla were on and continue to be a malicious, unwarranted tare to destroy this child's father, at any cost. Their blood thirst has and continues to completely blind them from the needs of my son who was being cheated out the vital familial relationship with his dad. This familial bond was destroyed by those listed in this affidavit and lawsuit. There is no getting back those lost years that were stolen from my son and I in this tragic irreparable loss.

Kaufman had no evidence that I had the ability to pay \$900 per month child support and the burden of proof was on them to prove that I could pay that amount and they could not do it. So, in the court paperwork they said the burden of proof was on me to prove I couldn't pay that amount. This whole case has been ruthless. WHY as if I were any less a parent, did I have little to no time with my son? Why was I charged? Why did she never pay a penny? After all I am 100% the parent of my son also, who came out of me, is my property. Why was this "child support" used as a weapon against the child's father? How does attacking a parent "support" or in any way help a child?

Doesn't the legal term "property" include my children, my child, Micah David Tomasella, who came out of me and is therefore my property? How can a man be charged to pay for his own property, something that is already his possession?

5th Amendment:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be

subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. -

From: <http://constitution.findlaw.com/amendment5.html#sthash.N8VvDdbk.dpuf>

Jail Conditions

Along with enduring a constant influx and danger of rough jail characters, there were other elements to endure during the 16.5 months of incarceration in the Kaufman County jail. In one incident, the jail nurse moved me to maximum security, seg (segregation, punishment confinement), for 30 days due to a rash I got in the jail. The cell was 5 foot by 9 foot. That included the bed, desk, toilet, and sink. Obviously, there was very little room to move around.

In a separate incident, a guard was sent in to ask us inmates in that particular cell a question. When we (3 of us) answered the simple question, they moved us all to seg for punishment. This was for another 30 days in the same conditions listed in paragraph above.

Due to lack of nutrition, on both trips to that jail, I lost 25-30 pounds while there. It should be noted that the composition lost was mainly muscle tissue. I was not overweight upon entering that jail.

My 1st and 2nd Arrests and Trips to the Kaufman County Jail

Judge Ruth Blake scheduled me to spend 9 months in jail for:

1. Lack of ability to pay the full child support monthly (6 months), and
2. For sending my son a text message, telling him I loved him (3 months).

While in jail during this period, my court appointed attorney, John Daniel Oliphant (Rockwall, Texas), filed an appeal with the higher court in Dallas (see appeal granted attached, Exhibit 2). The higher court granted the appeal and so accordingly, the Kaufman County's Sherriff's office released me after 6 months in their jail. 48 hours later (nearly to the minute), after attorney Michael Mowla relentlessly harangued them (namely the Kaufman County Sheriff), I was called by the Kaufman County's Sherriff's office to return to jail for 3 more months. I readily, immediately complied, asked a friend to transport me, and we drove to meet two deputies for re-arrest and induction into the Kaufman County jail for 3 more months. Judge Ruth Blake forbid me to communicate with my son and sent me to jail for texting him one time.

There was no legal obligation on my part to return. They had released me and therefore the obligation was completely theirs to find me at that point.

\$45,000 CASH Bond

In order to assure that I could not possibly get released from jail on bond, judge Ruth Blake, in conjunction with Becky Tomasella and her attorney Michael Mowla, put a \$45,000 CASH bond on me so I couldn't possibly get out. Isn't that like the usual \$450,000 bond where for 10% of it one can be released. This further reveals the deep malice and attempt to destroy my life and also that this was not about the money. As the Attorney General of Texas' records show, Becky Tomasella was receiving child support payments from me on a regular basis (most months with little exception) beginning in 2001. If this case were about the money, they would never have wanted me in jail in the first place. No money could or was being paid when I was in jail due to the inability to earn and send the money.

After being arrested for lack of child support, while escorting me from the courtroom, one of the officers who works in the 86th district court in Kaufman told me concerning how Kaufman operates that "It's all about the money." This was the second Kaufman officer in their courts to say this exact thing to me. People are run in and out of that court system only to be threatened, intimidated, and robbed. This is the testimony, the observance of several people who've visited that courthouse for my hearings.

Regrettably and without exception, Becky Tomasella had the full backing of Kaufman County and mercilessly ran roughshod over me for over a decade and a half. She was the mother and I was from outside of Kaufman. In the eyes of the 86th district court of Kaufman and CPS Kaufman, I was the public enemy due to being the "wrong" parent, the father. Every one of the numerous times I went to court in Kaufman, I was attacked and destroyed, ridiculed, belittled and treated like a criminal due to not being able to pay \$900 per month in child support, even though I paid every month with very few exceptions as can be seen in the Attorney General record of my payments. To date, I paid \$65,531 in child support for one child. And Becky Tomasella, Michael Mowla, and judge Casey Lee Blair (86th District court) are still pursuing me like a wild animal to collect \$58,000 dollars in overcharged "child support." Read my letter to CPS Kaufman, see Exhibit 3 attached.

Perspective: I am equally 100% the parent of Micah David Tomasella as is his mother. Score to date:

1. I've paid her \$65,531 per the Attorney General's office of Texas
2. She's paid me \$0

There was no remedy. No matter what I did including using several attorneys and spending all the money I had to do so, there was no justice to be had. With absolutely all possible options exhausted and all monies spent, while still being under absolute attack by my ex-wife, her attorney, and Kaufman County since 2002, in approximately early 2013, out of sheer self-defense, I put up a website to attempt to get my ex-wife to cease this relentless war that destroyed my relationship with my son and my whole life. I could have and thought of the

option of putting an expose of her on a third party site like ripoffreport.com but decided against it due to not being able to remove it once it was placed on that site. So, I got website address with her name in it so that I could easily be in control and remove it at any time.

Not long after being arrested the first time and inducted into the Kaufman County jail for 9 months (April 2013), the authorities brought me out of my cell to re-finger print me. When I asked them why they were doing such they said I had been charged with another crime, a felony, "internet impersonation." I was absolutely shocked due to having no idea there was any such law. Also, a sitting judge in Texas, who is a friend of mine, said this was a total miscarriage of justice because the law they used did not fit this action. His name is Judge Travis Bryan III, Bryan, Texas. In the Kaufman county jail, there were other men in that jail who had publicly threatened judges on FaceBook and they got misdemeanors.

Becky Tomasella was married previously to a Robin McDaniel (before our marriage). That marriage lasted 6 months, most of which he (Robin) was gone, absent, having vacated the home due to the incessant, violent badgering of Becky.

Becky Tomasella wanted revenge and had an unscrupulous bulldog attorney named Michael Mowla. Kaufman wanted more money for their coffers and were willing to intentionally ignore many things including that I was paying monthly and had paid tens of thousands. They had the State Attorney Generals office's record of my payments. There was no protection under law for me in Kaufman County. Kaufman did nothing to protect my relationship with my son. They did everything to destroy it. My protected rights were trampled. Kaufman County's 86th District court judges ran ruthlessly roughshod over me. Kaufman facilitated the whiles of this malicious litigation over and over and over again and still to this day has a warrant out for my arrest.

This has been the worse catastrophe of my life, all due to my divorcing a woman who was committing adultery with my ex-boss due to him having a lot of money. He was also a married man with several children. After being separated from Becky, before the actual divorced hearing, I pulled the cell phone records from her phone which I had bought her. There were 256 phone calls to this man's private phone line. This didn't include the calls he made to her.

Becky's father was a judge's assistant for 20 years and her uncle is an attorney in Dallas. This is their arena, not mine. And, they used many tricks to paint me into a corner, in order to criminalize me and gain 100% custody of my son, and the Kaufman 86th district court complied.

In 2016, standing in the 86th District Court of Kaufman County before judge Casey Blair, I asked Blair point blank: "Am I receiving judicial due process of law?" He hesitated then answered in the affirmative. This is on court record. How could I have been receiving judicial process of law when Casey Blair is not in compliance and is not an Article III judge?

Personal Background

From 1981-1988 I served as a United States Marine, was honorably discharged, and have no pattern or propensity to be rebellious against authority and had no brush with the law until encountering, and divorcing Becky Tomasella. Also, have been in the ministry since 1987. This is why I couldn't pay the whole amount of \$900 or \$1,300 per month child support (for one child) being that the love offerings which support the outreach are not and never have been large. This whole ordeal has greatly damaged my reputation, cost sales of my books, and created deep seated fear, along with PTSD (Post Traumatic Stress Disorder) which has resulted in perpetual, endless nightmares of being arrest again and thrown into the Kaufman dungeon (jail).

Because I exposed them publicly for what they were choosing to do to myself and many others, Kaufman County retaliated. They decided to attempt to make a criminal out of me. This has greatly harmed my reputation and ability to earn a living.

Due to their own decisions and actions, I viewed and view Kaufman County as public enemies of WE THE PEOPLE. For this reason, for conscience toward God and my fellow man, I was persuaded to let the deeds of Kaufman to be made known as they are public enemies, enemies of people, of families. My opinion is shared by many victims in Kaufman county. Untold destruction has been perpetrated on scores of families in Kaufman county.

Kaufman's attack accelerated when I placed a lawful website up exposing their tyranny over myself and others. Many emails from fellow abused victims of this system came as a result (through that site). The site was kaufmancountycorruption.com. As a result of setting up this website, I received scores of emails from parents whose children were also taken from them in Kaufman County, Texas for no good reason. Several of the emails, all coming from victims of Kaufman county, specifically stated that the same people are the ones who abused their family (Linda Dugan, Eric Williams, Sherry Rust (counselor, judge Howards Tygrett)).

Through the non-stop, relentless PAS (Parental Alienation Syndrome) attacks leveled and leveraged through the Kaufman courts, my son was taken away. To date there was never any actual abuse. It was all exaggerated, intimidated, falsified, and yet non-existent. Through this I lost my posterity, my only son. He is still alienated from me due to all of this.

At least one counselor involved in this case found that Becky had "coached" our son to say that he was afraid of his dad.

This whole war was waged via my ex-wife, Becky Tomasella and her attorney, Michael Mowla, a vicious, unscrupulous greed-mongering attorney from Dallas who has a personal vendetta against me because after extensive research on the matter, I don't believe Mother Teresa was the saint she's painted out to be and expressed that on my personal ministry website which is my FREEDOM of SPEECH right guaranteed by the Constitution. This was all brought out in court before judge Ruth Blake. Mowla used this to further turn judge Ruth Blake against me for my exercising of my First Amendment Constitutionally guaranteed right of freedom of speech. Why

was such foolishness ever allowed to be spoken of or entertained in Ruth Blake's court? Why should such have anything to do with my relationship with my son?

Incessant PAS (Parental Alienation Syndrome) was perpetrated by Rebecca/Becky Tomasella through the Kaufman system. The abuse known as PAS does no justice to the war waged through the Kaufman 86th District court against my son and his father. Kaufman completely and readily facilitated this atrocity which stole my heritage, my one child, my property (legal), who to this day has been turned against me and refuses to answer my attempts to communicate with him. He's now 22, just graduated college, and engaged to be married. I only know this through internet searches. His mother blackballed me, turning my son against me with the full backing of the Kaufman Country courts who sought to make a criminal out of me. My son and I's relationship was previous good. See Exhibit 4 for pictures of my son Micah and I.

Taking away my son from his father and all the other things that were done intentionally made his young impressionable mind believe that I was the enemy and bad for him. This is strongly attributed to his refusal to communicate with me to this day.

To further turn my son against me (more PAS – Parental Alienation Syndrome), in the midst of this long, exhaustive, catastrophic ordeal, Becky Tomasella, the child's mother, intentionally brought my son to court several times in order to show him just how much of a "criminal," a bad person his father is. In fact, she made sure my son Micah was at court for at least 1 of the times she knew I was going to jail due to my inability to pay \$900 per month child support she was using to fund her war against Micah's dad. Hand cuffed, walking out of that 86th district courtroom, I looked my son in the eyes and said "I love you son, I love you."

Most healthy children view their dad as a hero. At the hands of this corrupt court Becky Tomasella intentionally destroyed our son's image of his father which continues to this day. Is this not psychological child abuse?

Of my many attempts to reconnect with my son after being completely shut out of his life, the latest was a letter I mailed to his fiancé' at Dallas Baptist University. I mail the attached letter (see Exhibit 5) in May of this year in order to have an address to reach, otherwise they were going to be moving off campus later that month after graduation. Keep in mind that all my attempted correspondences with my son have been flatly turned down by him. Those attempts included letters and gifts I mailed to him and calls to Dallas Baptist University to see if there could possibly be a mediation to reunite my son and I. (My letter to Emily, my son's fiancé Exhibit 5).

Also, my pleadings with his mother were also rejected and ignored. See an example of several letters I mailed to her in Exhibit 6 attached.

On many occasions through the years, when I knew I was going to see my son, for example in court, I'd buy him gifts which he refused to take. It appears that he refused my gifts for him due

to believing his mother would disapprove of him accepting them. This further insult added to injury which broke my heart.

Becky Tomasella's malice toward me was intentionally passed down to my son Micah who is now still turned against me, his father. It was orchestrated through the courts so that this separation endures to the present time. The 86th District court of Kaufman County Texas facility all of this. They were beckoned (by myself) to bring healing to not harm this child, my son Micah, but refused over and over again. They had the power in their hands to keep my son and I's relationship in tact but continually refused and still to this day hunt me down like a wild animal to pay \$70,000 on top of the \$65,531 already paid and the 16.5 months in jail paid with my life. Why? All because I am a father, a dad. This is the work of evil, destroying familial bonds, leaving a trail of broken hearts and broken lives in their path.

The unrelenting attacks of Becky Tomasella on Micah and I and our bond included yet were not limited to TRO's (Temporary Restraining Orders) being placed against me simply because I didn't believe MY son should be endlessly drugged. That opinion came as a result of personally consulting with several medical professionals who agreed. My son had had a few episodes, not seizures. His mother, whose family believes in hyper over-medicating, did not like that my opinion was to go easy on the drugs. So, Kaufman County facilitated her mere opinions by allowing TRO's. This further separated my son and I.

The way Becky Tomasella wages this war included the hot button items of "I'm afraid of him" and "he's a religious extremist." Yet, during this period, while we were separated, Becky gladly met with me in a hotel room in Dallas, clearly revealing that she had no fear of me, knowing I was no danger to her.

On another occasion she set things up like a trap. She had the TRO served to me on a Friday, when I drove an hour to pick up my son for our weekend together. Becky had me served on the spot in front of her house. So, I signed for the receipt of the paperwork and put it in my vehicle and went and knocked on the door to get my son, having no idea what the paperwork was about. So, she called the cops soon as she heard the knock at her door. She didn't answer the door much less release my son to me. Becky Tomasella called the cops and had them run me down and pull me over for violating the TRO that was just handed me. Upon pulling me over, I explained to the police what was really going on and informed them that they were being used like a monkey by my ex-wife.

More PAS: On the weekends when I had my son the child's mother was constantly calling him on the cell phone she bought for him in order to distract his attention away from his father sabotage. Her goal was to never allow his heart to further bond with his father.

After the separation and divorce, over and over again in my phone and written communications with my son's mother, I sought to amicably work, out for our son's best interest, him being able to see his dad but his mother refused repeatedly and only fought and falsified to destroy the

relationship between Micah and his father. His mother, Rebecca/Becky Tomasella, would have none of amicability. Her whole goal was and still is to destroy what mattered most to me in this world – my relationship with my son, my only child. She knew how much I loved him. She knew how crazy I was about my son and so for all these years has focused on destroyed this bond between my son and I because she knew/knows that is what would hurt me most. Becky Tomasella also knew she had the full backing of Kaufman county obliged her every step of the way. The child's mother had no heart to do anything in the best interest of our son but only used him as a weapon to destroy his own father. See exhibit 7 for a sampling of the letters I mailed my son.

The CPS Debacle: Fake, Trumped up, Fabricated Abuse Charges.....

Due to the unrelenting barrage of attacks waged by Becky Tomasella against me in the Kaufman County 86th district court system and CPS, by her design and wielding, my son and I were forced to meet at the Linda Dugan facilities for a whole 1 hour per month. Unfortunately, Linda Dugan sought to turn my son against me. She acted as if she were in control and that I, my son's father/parent was the outsider. It should be noted that Linda Dugan lost her license from the State of Texas due to malpractice and her numerous DWI's including being so drunk that she drove up the wrong side of the road on one occasion. Her own cohort, who worked there at Dugan's offices, Carla Herrin, said she'd never seen any evidence of abuse between my son and I. Carla met with me for months and with my son before determining this. When I asked her to, Carla put this in writing. During our time at the Linda Dugan facility, Linda sought to turn my son against me. Like many of the women involved in this case in Kaufman county, Dugan clearly had a problem with and prejudice against men.

At Dugan's offices, I left a Gospel leaflet in the waiting room and Linda Dugan lashed out at me or doing so. Linda was opposed to me also for being a Christian author.

The Case Moved to CPS

How can those in public service be go unpunished for destroying the all-important bond between a parent and a child? Beginning in 2006 my son Micah David Tomasella was taken away from me for no good reason. Kaufman County's judges and CPS took my son away without any real abuse because my ex-wife, Rebecca Tomasella turned Micah (our son) in to CPS in order to get herself off the hook in judge Howard Tygrett's court. It is more than obvious that CPS operates to take away children from their parents in order to receive continual funding from the federal government. They have a quota to fill to qualify! Here's how this all transpired

...

In July of 2006, from his bench, Judge Howard Tygrett read aloud the list of trumped up, fabricated accusations asserted by the child's mother, Becky Tomasella. She had formulated this list and gave it to her attorney. In part, this list was put together by a counselor who has the reputation for being one of the most unreliable, women-advocate counselors in Kaufman County, Sherry Rust. Sherry Rust has a reputation in Kaufman county as being a counselor who helps women. It seems obvious that Sherry Rust is not objective. Rust never met with me. In the 86th district court, when the list of "abuse" allegations were cited by attorney Michael Mowla, judge Tygrett rolled his eyes at the accusations and ordered the mother to give our son to me (his dad) on August 5, 2006. The mother defied judge Tygrett and was in contempt of his orders/court by refusing to give the child over to me, his father, on August 5th. Then, in fear she'd be punished for disobeying judge Tygrett's order, the mother had another counselor turn the child over to Kaufman, since I had had my attorney file an order in Tygrett's court to take her back to court for violating his order. Becky Tomasella had deliberately defied his order and was in contempt of his court. She was not in compliance and was cheating my son and his father out of lawful time together.

CPS made both the mother (Becky) and father (myself) "agree" that we had both been "abusive" in the same matter because they have to get you to agree in order to take the child. CPS need a "reason" or excuse to have taken our son from us. I don't remember the alleged offence. Remember Becky needed the case removed from before the judge whose order she defied. After the case got rolling, CPS Kaufman said that my "abuse" was 1. Reading the Bible to my son, 2. Praying with my son, and 3. Being too much of a doting father. So, on this 3rd point, Becky and CPS chose to call my love, and affection for my son a criminal act because like most children, a child gets embarrassed when their parent kisses them. This is all in writing. Yet, Becky slept with our son Micah till he was 12 and possibly beyond. My son told me so. This was never cited as a concern or abuse by CPS or the Kaufman 86th District court.

As she is skilled at doing, Rebecca/Becky Tomasella ingratiated herself in good favor with her hometown, man-hating CPS, working a deal with them and becoming good friends with CPS case worker Kathy Sayles. Rebecca and Kathy would stand out in back of the CPS offices there in Kaufman after the meetings where all involved parties had to be in attendance at, shooting the bull like the good buddies they'd become. As with many female employees of CPS, Kathy Sayles had an obvious problem with men and especially this man, myself, due to my concern that my son had been taken from his father for no good reason. This collusion between my ex-wife and Kathy Sayles caused a complete bias from the beginning and many lies, falsifications, and twisting of the truth. No abuse was ever proven from then forward and to this day, my son now being 22, our relationship is destroyed as a result of Kaufman County judge Howard Tygrett releasing the case to CPS Kaufman and CPS's unjust dealings. Kaufman County courts nor CPS Kaufman had any real reason to destroy the familial bond between Todd Tomasella and Micah Tomasella.

Unfortunately, it is no secret nor small thing that Kaufman County has destroyed many, many familial bonds.

Now on death row Eric Williams who was previously my son's guardian ad litem was in the middle of this all. More on Williams in a moment.

What has happened to me in the Kaufman County 86th District court and CPS Kaufman County, Texas has caused incalculable grief in my life with the loss of my only child. And all this was done while trampling my Constitutional rights and with no evidence of abuse. My parents who are my son's loving grandparents and my siblings (the uncles and aunts of my son) were and still are all shut out of Micah's life and this chasm persists unto this day.

These judges and workers in Kaufman County Texas have had a personal vendetta against me for exposing this whole thing online, on my own website: KaufmanCountyCorruption.com.

Eric Williams has been convicted of and given the death penalty for murdering the Kaufman County Assistant D.A. and the D.A. and his wife in cold blood. Eric Williams was my son Micah's guardian ad litem and a judge in Kaufman county and did nothing but perpetuate the "counseling" of my son Micah in order to bill out hours. Eric Williams is a proven, convicted thief and that's why he murdered the D.A., the D.A.'s wife, and the assistant D.A. in Kaufman County, Texas. They prosecuted him, yet not before Eric Williams was able to inflict great destruction on my family heritage and many other families. Eric Williams was allowed to operate unhindered in his thievery and defrauding of the citizens of Kaufman County and Texas. It wasn't till he murdered those 3 people that he was prosecuted. Before that Eric Williams operated as one of the 'good ole boys' of the money making machine of Kaufman County, Texas. The fact that Eric Williams was allowed to wreak havoc on families, familial bonds leading up to that time is a shame. He nearly got away with murder and would never have been stopped by Kaufman if he hadn't been caught and would have continued to steal children from their parents for his own self-serving gain. Before he murdered those 3 officials, Eric Williams was a central player in the Kaufman 'good ole boys' cult. Judge Ruth Blake ordered me to pay Eric Williams the sum of \$5,500. She did not charge the mother a red cent. On top of robbing my son and I of our familial bond, judge Ruth Blake and now present judge Casey Lee Blair have also charged me thousands of additional dollars, on top of the way-out-of-proportion child support arrearages by ordering me to pay my wife's attorney bill.

Kaufman County Texas was operating a child thieving ring. The judges named in this affidavit along with Eric Williams and the CPS workers cited in the affidavit are guilty of this atrocious defrauding and the resulting damage which can never be recovered. These are fully guilty of irrevocably destroying familial bonds.

As previously stated, CPS Kaufman specifically accused me of the "crimes" of 1) praying with my son, and 2) reading the Bible with my son, and 3) being affectionate with my son (I am a doting, loving father – crazy about my son with no apology). This "crime" of praying, reading the Bible with, and being affectionate with my son is all officially on record in CPS Kaufman and was

stated as being abuse in this wicked courthouse! CPS judge Virginia Schnarr did nothing to rebuke these foolish, unfounded, accusations because she's in on it, she plays her part in this whole game in order to steal children from their parents, to take them away and put them in foster homes in order to reach their quota so they can be paid, receive more funds, be rewarded by the federal government for kidnapping! Judge Virginia Schnarr was in on it as the whole courtroom scenes were clearly pre-rehearsed. That CPS court is nothing but a staged act!

Example: While sitting in that courtroom, waiting to go before judge Virginia Schnarr, I witnessed a married couple who had a daughter who was only a few months old being told they still could not have their daughter back that CPS had taken from them. It was stated that this was an ongoing separation of parents and their daughter. They were again told that if they didn't somehow come up with the money to add on to their house, they couldn't get their daughter back. Their "crime" was not having enough money to add on to their existing family home!

Two close friends who came to CPS court with me witnessed CPS case worker Kathy Sayles wink at my ex-mother-in-law as she walked off the stand after falsely testifying against me, the very father of the child she had kidnapped from his own daddy! Kathy Sayles was utterly unethical. It seems possible that Kathy Sayles was abused by a man in her youth and now spends her whole adult life seeking to destroy the lives of precious children by cheating them out of the God-given relationship with their own father. It is my opinion that the subjects listed by name in this affidavit, all part of the Kaufman County legal system, are guilty of allowing Kathy Sayles, judge Virginia Schnarr, and CPS attorney Sandra Harwood to defraud the citizens of Texas.

With no exception, I satisfied EVERY single requirement CPS Kaufman asked of me and yet Kathy Sayles stood in that Kaufman CPS court and falsified her reports during every court hearing, painting a picture that I was some kind of an unfit person. It was an obvious and falsified spin. Kathy Sayles is totally dishonest and ruthless and still employed at Kaufman CPS.

I dared to question her and CPS in a letter after they unjustly stole my son and God forbid that ANY person DARE question high and mighty Kathy Sayles! Any person who questions Kathy Sayles becomes her sworn enemy. My letter and warranted disgust as the parent further fueled Kathy Sayles' hatred.

My life has been greatly and perpetually traumatized, robbed, and defrauded due to the actions allowed to be perpetrated by these named authorities in Kaufman County, Texas. Due to their actions, there is no getting back the precious time or relationship with my only child that they defrauded my son and I of as father and son. What they have done has had a lasting impact.

Among many other things suffered in this ordeal has been public shame, loss of a good reputation, and defamation of character.

More Fallout, Hardship Due to Deprivation of Rights

5/21/2019 - Just received a call from an apartment complex I tried to rent from: Country Club Apartments Huntsville, Alabama.

They turned me down because my credit report shows two unpaid debts:

1. Child support
2. An outstanding balance with the apartment complex I was forced to move out of (vacate) in Frisco, Texas when I was ordered to go to jail for not being able to pay enough child support in April of 2013. Silverado Apartments, Frisco, Texas. Due to having to obey the judge's orders to report to the Kaufman County correctional facility on April 1, 2013, for 9 months, I had no choice but to do something I've never otherwise done, break a lease. This, along with child support arrearages on my credit report, has ruined my credit.

And that was an arrest for a bill, a civil matter. I couldn't possibly pay \$900 per month and yet paid on it monthly to the tune of \$65,531 in child support according to the Attorney General of Texas' record. Yet now my life is ruined. I couldn't even qualify for a car loan.

Exhibits

1. Returned Certified Mail that was sent to my Rebecca (Becky Tomasella) that was rejected by her.
2. Appeal
3. My letter to CPS Kaufman
4. Pictures of Micah
5. Letter to my son Micah's Fiancé' Emily
6. Sample of one of the letters I mailed to Becky Tomasella
7. Letters I've written and sent to my son

Signed:

Todd Michael Tomasella

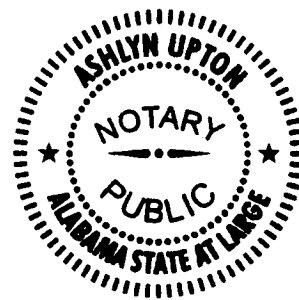
Todd Michael Tomasella

State of Alabama

County of Madison

On this, the 13th day of February 2020, before me a notary public, the foregoing document was acknowledged before me by Todd Tomasella, who is personally known to me or who has furnished Texas Driver License as identification.

In witness hereof, I hereunto set my hand and official seal.



Ashlyn Upton
7/9/2023

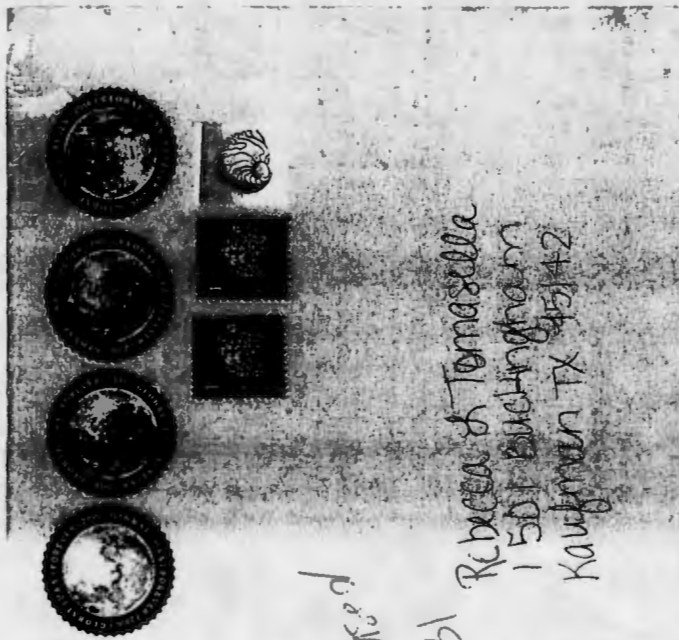
Notary Public

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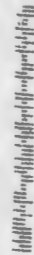


7017 0530 0000 1693 3663



Rebecca
9/31

Rebecca & Tomasella
1501 Buckingham
Kaufman TX 75142



7.11.20
2021 Maria May #200
Frisco, TX 75035

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Writ of Mandamus is GRANTED; Opinion Filed September 13, 2013.



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-13-01077-CV

IN RE TODD TOMASELLA, Relator

On Appeal from the 86th District Court
Kaufman County, Texas
Trial Court Cause No. 61378

MEMORANDUM OPINION

Before Justices FitzGerald, Lang, and Myers
Opinion by Justice Lang

Before the Court is relator's petition for writ of habeas corpus relating to the trial court's March 28, 2013 "Order for Writ of Commitment for Todd Michael Tomasella, and Setting of Bond." Relator complains that he was wrongfully denied the right to a jury trial. We agree.

The trial court's order finds relator guilty of criminal contempt, sentences him to six months plus an additional three months, and orders the sentences to run consecutively. Because relator was sentenced to more than six months in jail, he was entitled to a trial by jury. *See Ex parte Sproull*, 815 S.W.2d 250, 250 (Tex. 1991). Real party in interest agrees that relator's sentence for criminal contempt must be set aside. However, as real party in interest points out, relator was also incarcerated on a finding of civil contempt. Relator has not challenged his sentence for civil contempt, and we do not disturb the trial court's findings or sentence related to civil contempt.

Therefore, we **GRANT** habeas corpus relief and **VACATE** the criminal contempt portion of the written order dated March 28, 2013, entitled Order for Writ of Commitment for Todd Michael Tomasella, and Setting of Bond, issued by the 86th Judicial District Court of Kaufman County, Texas, in the case styled *In the Interest of M.D.T., a Child*. The portion of that order committing Todd Michael Tomasella to the custody of the Sheriff of Kaufman County for civil contempt remains in effect. We **ORDER** that relator Todd Michael Tomasella be unconditionally released and discharged from the custody of the Sheriff of Kaufman County pursuant only to the criminal contempt portion of that order.

/Douglas S. Lang/

DOUGLAS S. LANG
JUSTICE

131077F.P05

3

AFFIDAVIT-Letter to CPS

Defamation of character

Cps letter

11/29/06

To: Melissa Hobbs/Kathy Sayles

From: Todd Tomasella

QUESTIONS:

Why was the child never brought together with his father in order to scrutinize what really happened as opposed to the outlandish exaggerations and fabrications? Can any parent get any old counselor to manufacture and manipulate truth and get the child taken away from his own parent? Why did you not look more closely into this information before you decided to rob a little boy of his relationship with his own father and further assist his mother in her long-term agenda of alienating this child and his father? Do you not realize the negative reputation Sherry Rust has among counseling professionals?

CHALLENGE:

In light of the fact that it has been completely unfair to isolate Micah from his father while separating him to a completely father-alienating mother, grandparents, and counselor (Rust), would it not be appropriate and revealing to let the child be present with his dad and ask those same questions (cross examination) while with his father? Who is it that would be afraid of the answers that might come from this session/study?

QUESTIONS to be ASKED MICAH by HIS FATHER in the PRESENCE OF COUNSELOR (recorded if possible)

1. Did daddy force you to clean up things I pushed off coffee table?
2. Do you believe your dad would hurt you?
3. How did you get your Bible? Did you ask your dad to buy it or did your daddy just go out and get it for you? (either way is LEGAL, yet for the sake of showing how exaggerated the initial information is that got this case into CPS, this will be a good question to ask)
4. Does your daddy force you to pray? If so, how long? (this is also not illegal)
5. Does your dad force you to read the Bible? (reading the Bible is a good thing and certainly not illegal)
6. Did daddy rip a cross off of your neck, or did he just tell you that the cross itself has no significance other than the Savior who died on it for our sins?
7. After the one time your daddy spanked you when you were 5, what did you say to your dad about that spanking? Did you tell him that it "hurt on the outside, but it felt good on the inside?" (unsolicited)

I believe that the nature of the exaggerations and fabrications initially submitted to CPS (which have stolen this relationship from this father and son) will reveal themselves in the answers to these simple questions, invalidating the whole initial CPS report that separated this father and his son.

None of the above things are true and a fair interview concerning these exact items will show that they were fabricated, conjured up and largely exaggerated. This will reflect the father-alienating agenda of the child's mother and reveal her coaching of the child. The idea that Micah would say these things (if he ever really did say them) would also show that the hypnotic affect of counselor Sherry Rusk is unreliable and manipulating. As is clear from the overwhelming negative testimony of so many other professionals in the field of counseling concerning Miss Rusk, her "evidence" should be completely disregarded as unreliable.

THE BIG PICTURE

In the historical view, the continuum of events will clearly reveal that the relationship of Micah and his father is a good one and a safe one. The one event that happened in June or July was isolated and it is therefore very unfair and damaging to Micah to be separated from his own father, especially in light of the fact of his mother's relentless history and campaign of PAS (Parental Alienation Syndrome).

What you do not realize (and may not care to realize), due to her extremely insidious methods, is that Becky continues to control Micah's answers by enticement. She is enticing him using upcoming Holiday family planning and gifts, telling him that he will miss all this (being with her family, traveling, gifts, etc.) if he goes to be with his father for Thanksgiving/Christmas.

Why has this father and son not yet been sat down together to test the information? Why are there no plans for such? What is there to hide? Who, among all those involved in this case, would be afraid of the answers and revelation of this study?

Todd Tomasella

972.571.3459

4

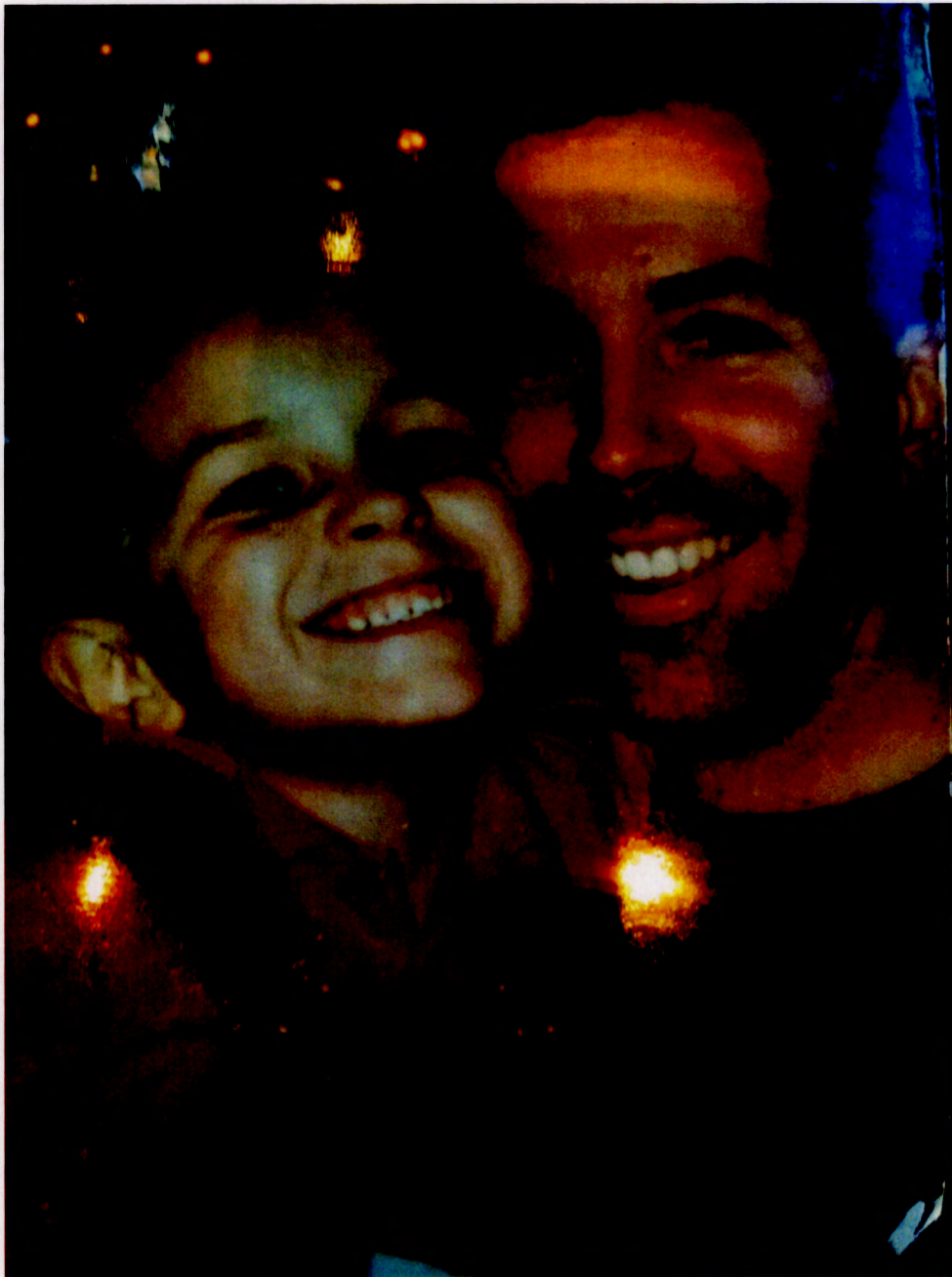




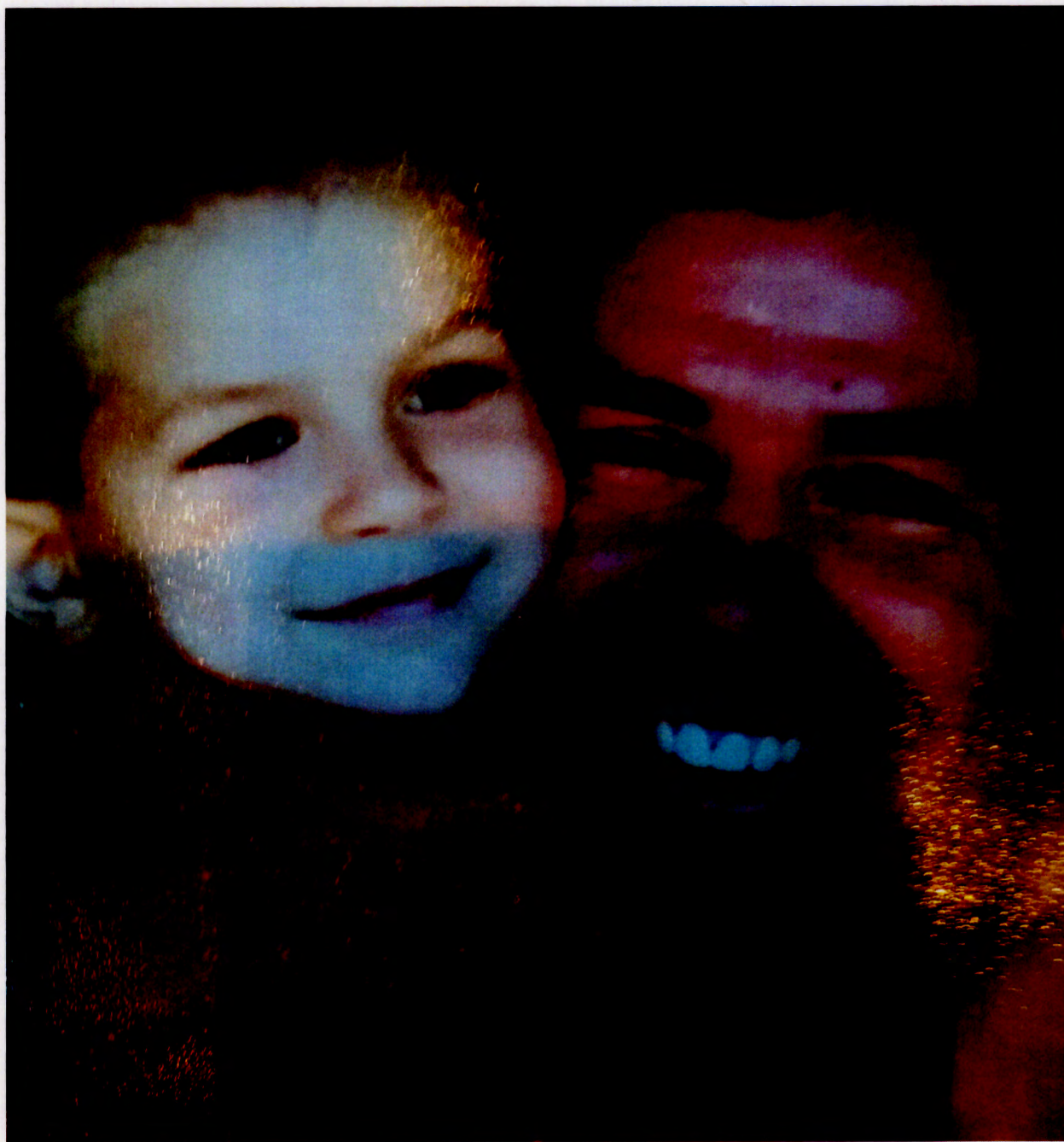












5

Hello Emily,

May, 2018

You look like a dear lady (from the pics), a treasure and someone a parent would be proud for their son to be with.

With this correspondence, there is no intention to manipulate but rather simply to communicate to Micah that his father loves him. Like all of us, Micah only has one father and that is myself. As you know, communication has been completely shut down for many years due to the all out war waged. That was not even slightly my doing. It's been an all out attack. It would seem that Micah has been the one who has largely been the victim. He doesn't realize that. My desire is the best for Micah and you.

Regrettably, Micah's thinking has been conditioned by his mother. This happened because of the things she deliberately did to destroy our relationship (knowing that's what would hurt me the most). This is called PAS (Parental Alienation Syndrome).

During that time, with no evidence of abuse, I could only see Micah once per month at a counselor's compound. Her name was Linda Dugan. She lost her license due to 3 DUI's and so many who filed complaints about her. Linda is not a Christian, is against Christians and so was turning Micah against me. So, after so long I decided to stop seeing Micah at Linda's and was working on restoring the every other weekend visitation with him as we had before and as is standard. Unfortunately, that didn't work.

I am relating this to you as a bit of background. Also, I am not saying this was the best thing for me to have done, but rather just sharing. That day, when I told him I could no longer meet with him at Linda Dugan's compound, I told him to call the judge and tell him you want to see your father at his (my) house. The damage this did to him – to feel abandoned and rejected by his dad, must have been very traumatic.

To date, according to the Attorney General of Texas, I have paid appr. \$68,000 in child support which is most likely more than I should have ever been charged, based on my income. It is suspected that Micah has been led to believe that I paid little and not enough child support. Child support was the weapon used to destroy me and Micah and his father's relationship.

The case is not over but it will be once we file, finally as the plaintiff instead of defendant.

Kaufman county is long known to be a good ole boys network. They favor their home town folks and abuse outsiders. In response, my new attorney will be filing.

I sure have loved my son from the moment he was born, prayed for him in the womb, and pray for him daily. Micah is obviously very wounded and much of that could be cleared up if there was just a little communication. He doesn't realize the scope of what has happened and to discover a bit more, he'd gain much insight. He may not seem hurt and yet I believe this will definitely come out sometime if it's not tended to. To say this is not important would be to say that the bond, the relationship God created to be between parents and children is not important nor significant. There is no intention here to play a blame game and yet, the absence of communication is helping no one. The LORD instructed all of us to honor our parents and if we don't it will come out, somewhere in our lives. My desire is to help Micah. I

assume he may be getting back at me for abandoning him, by rejecting my suggestion that we communicate. You would not believe the hell that has been endured due to this attack and the attack was on Micah as well as myself. Micah doesn't know that but the enemy of souls warred against him in this attack.

"And he shall turn the heart of the fathers to the children, and the heart of the children to their fathers, lest I come and smite the earth with a curse." Malachi 4:6

Thank you for listening Emily. Ephesians 6:2-3 <<<< blessings is what the LORD wants to give.

In Christ,

Todd Tomasella

info@safeguardyoursoul.com

twitter.com/sgysoul/

6

Becky, 5/7/10

Please consider

arranging for Micah

to see each other

on his 14th birthday

as his parents,

let's do what's

in Micah's best

interest.

Thank you,

Jodel

469-334-7096

Becky
1501 Bucking Horse
Kaufman, TX 75142

7

Mican - AUG 28, 2008

I love you dearly
my son. No person
in this whole world
is as important
to my heart as
you are. Know
that I am praying
for you daily -
hoping that you
will walk with
Jesus, who saved
AND FILLED YOU WITH
HIS HOLY SPIRIT.

1

There are those
in this life who
have made the
conscious choice +
decision not to
obediently walk
with Jesus - According
to His holy word.

MANY OF THEM WILL
ATTEMPT TO BRING
you Down to their
level. 1 Timothy 6:12 SAYS

"FIGHT The Good FIGHT OF
FAITH, LAY HOLD ON ETERNAL
LIFE, WHEREUNTO THOU ART ALSO
CALLED, AND HAST ²PROFESSED A GOD

"MANY BE CALLED, but
FEW CHOSEN." MATT. 20:16

"FEAR GOD AND KEEP
HIS COMMANDMENTS, FOR
THIS IS THE WHOLE
DUTY of MAN."
ECC. 12:13

"SERVE THE LORD
WITH FEAR AND REJOICE
WITH TREMBLING." PS 2:11

"WHOEVER WAS NOT
FOUND WRITTEN IN THE
BOOK OF LIFE, WAS CAST
INTO THE LAKE (OCEAN) OF FIRE."

3 REV. 20:15

Micah, at this point,
you go to a public
school, so there are
many voices you are
hearing, calling you
to believe + do things
that will not + do
not please the Lord
who saved you.

PROVERBS 1:10 SAYS "~~MY~~
SON, IF SINNERS ENTICE
THEE, CONSENT THOU NOT."

ROMANS 12:1 - "BE NOT CONFORMED
TO THIS world, but be ye
TRANSFORMED by the renewing
of your mind THAT YOU
MAY PROVE WHAT IS THAT GOOD
AND ACCEPTABLE AND PERFECT
WILL OF GOD." 4

You are of the age
to begin making decisions
for your own life.

Be certain that every
decision you make

will bring consequences
into your personal
life that you will
have to live with.

"BE NOT OVERCOME OF EVIL"
BUT OVERCOME EVIL WITH GOOD
Rom. 12:21

"A GOOD NAME IS RATHER
TO BE CHOSEN THAN GREAT
RICHES." PROVERBS 22:1



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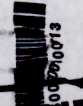
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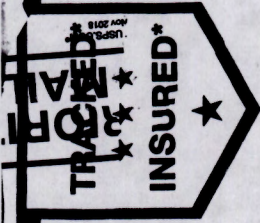
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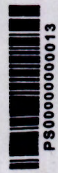
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